



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Owyhee Field Office
20 First Avenue West
Marsing, Idaho 83639
(208) 896-5912



In Reply Refer To:
4160 ID130

November 21, 2013

REGISTERED MAIL

LU Ranching Co.
c/o Tim Lowry
Box 415
Jordan Valley, OR 97910

Notice of Field Manager's Proposed Decision

Dear Tim,

Thank you for working with the Bureau of Land Management (BLM) throughout this permit renewal process. I appreciate your interest in grazing your allotment in a sustainable fashion and am confident that this proposed decision achieves that objective.

The BLM recently evaluated grazing practices and conditions in the McKay FFR allotment. The BLM undertook this effort to ensure that a decision to renew grazing permits on these allotments would be consistent with the BLM's legal and land management obligations. As part of the BLM's evaluation process, Rangeland Health Assessments, Evaluations, and Determinations were completed. This proposed decision incorporates those documents by reference and the information contained therein.

On January 11, 2013, the BLM Owyhee Field Office initiated by letter the collective public scoping process for Groups 3 through 5 of the Owyhee 68 grazing permit renewals. The McKay FFR allotment is one of seven allotments within the Group 4, also known as the South Mountain Group. The letter informed recipients that the purpose of the public outreach effort was to identify resource and management issues associated with the Idaho Rangeland Health Standards and Guidelines (Idaho S&Gs) and the Owyhee Resource Management Plan (ORMP) for the purpose of developing grazing management alternatives for all three groups, including for the South

Mountain Group National Environmental Policy Act (NEPA) document. The letter also served to request additional resources and monitoring information that could help the BLM to complete the permit renewal process. The letter encouraged recipients to submit comments and information by February 25, 2013, but it did not set a closing date for the receipt of public comments overall.

In addition to the scoping period mentioned above, we met with you on on July 15 and August 27, 2013 to discuss allotment conditions, objectives, and livestock management. Your application for renewal of this grazing permit was received on January 27, 2012.

The Initial Allotment Review and Rangeland Health Standards and Guidelines Assessment for the McKay FFR allotment was drafted in 2006 as a portion of the grazing permit renewal process. Until 2013, no rangeland health determination was completed and the permit authorizing grazing use in this allotment has not been fully processed for renewal. The current document consists of the 2006 RHA, in full, supplemented by new information available since the 2006 document was completed. The 2013 Supplement to the document includes data compiled between 2006 and 2013, as well as the completion of the 2013 evaluation report and determination consistent with the Livestock Grazing Permit Renewal Desk Guide for Idaho Bureau of Land Management, May 2009. On August 30, 2013, BLM issued the completed 2013 Rangeland Health Assessments, Evaluations, and Determinations for the Group 4 South Mountain allotments (which included the McKay FFR allotment) to you and all interested publics of record. The preliminary Group 4 Environmental Assessment (EA)¹ was issued to the public on October 18, 2013, for 15-day review and comment period, providing yet another opportunity for grazing permittees and interested publics to provide additional feedback, and comment on the preliminary EA in preparation of the final EA and selection of preferred grazing alternatives. We did not receive comments from you regarding the rangeland health determination. We did receive comments on the preliminary EA from you on November 5, 2013, although they did not change the analysis or the proposed decision.

After evaluating conditions on the land, meeting with you, and reviewing information received from the public, it became clear that resource concerns currently exist on the McKay FFR allotment; however, these resource condition concerns are not related to current livestock management practices.

I am now prepared to issue a proposed decision to renew your permit to graze livestock within the McKay FFR allotment. This decision is the culmination of a comprehensive review of the relationship between resource conditions and livestock grazing practices on the McKay FFR allotment, completed in accordance with the grazing regulations promulgated² in 1995, the Idaho S&Gs, the National Environmental Policy Act (NEPA), and the ORMP. This proposed decision will:

- Describe current conditions and issues on the allotments;
- Briefly discuss the alternative grazing management schemes that the BLM considered in the EA;

¹ EA number DOI-BLM-ID-B030-2013-0022-EA analyzed five alternatives for livestock grazing management practices to fully process permits within the South Mountain Group of allotments.

² 43 CFR Subpart 4100 is the federal regulations that govern public land grazing administration.

- Respond to the application for grazing permit renewal for use in the McKay FFR allotment;
- Outline my proposed decision to select Alternative 2 in the McKay FFR allotment; and
- State the reasons why I made that selection.

Background

Allotment Setting

The McKay FFR allotment is located in Owyhee County, Idaho, approximately 14 miles southeast of Jordan Valley, Oregon. The ORMP categorized allotments and prioritized development and implementation of grazing systems to meet multiple use resource objectives and rangeland health standards based on resource conditions, potentials, and concerns, as well as economics, present management, and other criteria. Of the three categories included in the ORMP, the McKay FFR allotment is listed as a Custodial category allotment.

In addition to allocating livestock grazing within the McKay FFR allotment, the ORMP identified issues associated with management activities with a listing of resource concerns and applicable ORMP resource objectives. Resource concerns included the ecological condition of vegetation communities, perennial surface water present, riparian/wetland ecosystems, redband trout, and Greater sage-grouse (*Centrocercus urophasianus*; from this point on referred to as sage-grouse), some of which occur on private land within the allotment.

The allotment is subdivided into three pastures with 20 AUMs of permitted grazing and consists of 24% public land and 76% private land (Table 1).. Although the existing permit identifies a season of use from December 1 to December 31, it also includes a term and condition that the number of livestock and season of use within the allotment is at the permittee’s discretion. Actual use has been submitted but is lacking accuracy to the pasture level and has only 2 years of information³.

Table 1: McKay FFR Allotment (0457) (Acres)

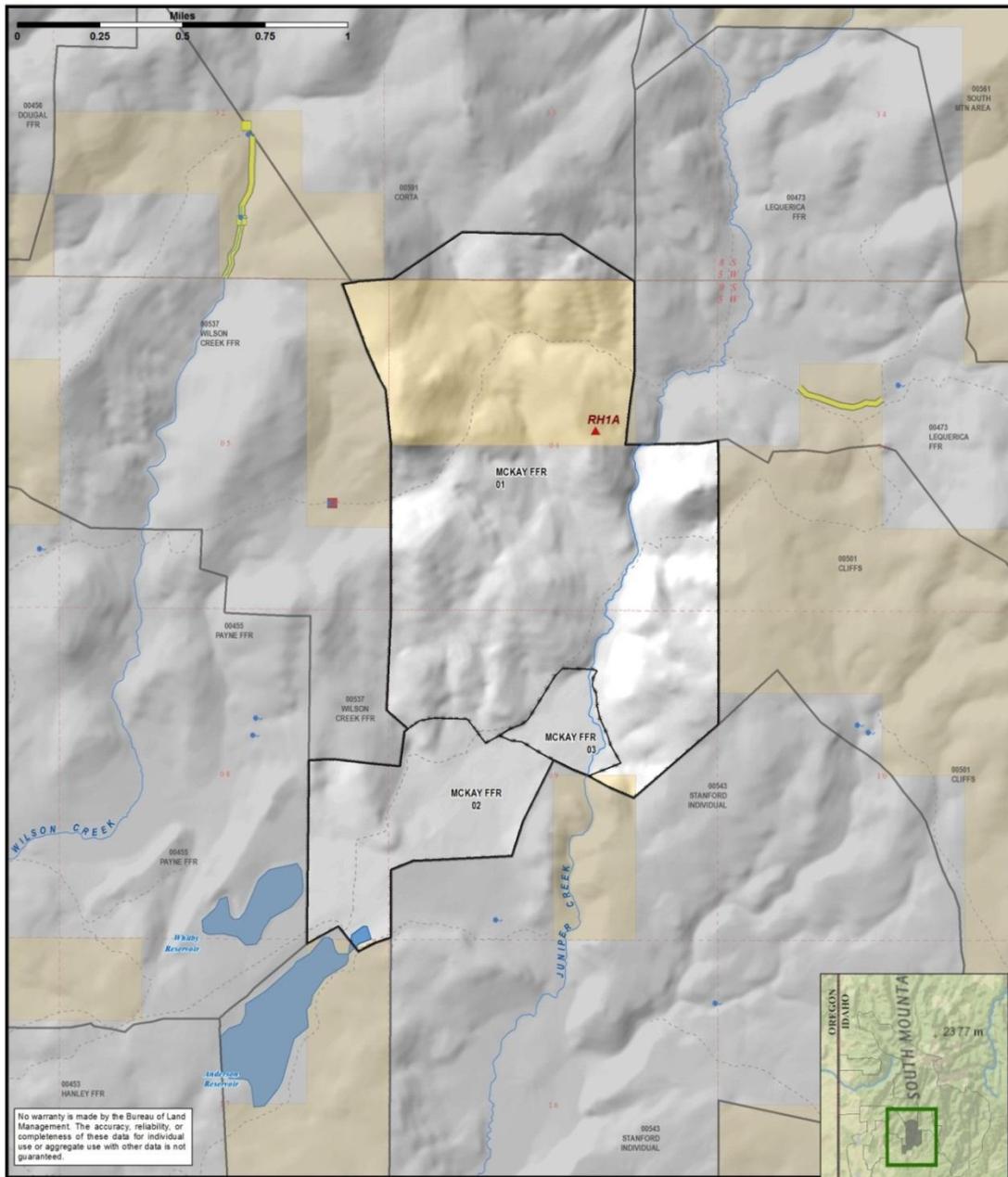
Pastures	Public	State	Private	Total
1	260	0	591	
2	1	0	191	
3	0	0	39	
Total	261 (24%)	0	821 (76%)	1082 (100%)

The McKay FFR allotment is situated within the Owyhee Uplands and Canyons Ecoregion (see Map 1), and is characterized by rolling shrub steppe uplands interrupted by juniper woodlands, steep to low hills, and rocky outcrops. The McKay FFR allotment is composed of two major ecological sites: loamy mountain big sagebrush/bluebunch wheatgrass-Idaho fescue (206 acres, or 79 percent), with the shallow claypan low sagebrush/Idaho fescue site making up the remainder (54 acres, or 21 percent). Currently, the expansion of juniper into former shrub communities has transformed much of the area into woodlands ranging from open, savanna-like conditions to denser canopy forest. Juniper trees are common to dominant at upper elevations of the allotment whereas under reference conditions, they would occur in trace amounts.

³ For reported actual use, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Appendix B.

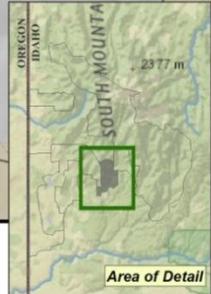


Map 1: McKay FFR (00457) Allotment



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

- | | | | | |
|--------------------------------|------------|------------------------------|------------------|-------------------|
| Allotment of Interest Boundary | Stock Pond | PFC Assessment Rating | Perennial Stream | Management |
| Pasture Boundary | Spring | PFC | Improved Road | BLM |
| Monitoring | Trough | FAR | 4WD Road | State |
| Nestled Plot Frequency Trend | Enclosure | NF | Water Body | Private |
| RHA Point | | | | |



1:24,000

Across ecological sites within the allotment, effective average annual precipitation ranges from 12 to 16 inches. Mapping done by the Pacific Northwest National Laboratory using 2000/2001 Landsat satellite imagery, and updated for vegetation treatments and fire, indicate the current vegetation in the McKay FFR allotment is dominated by juniper (43 percent), mountain shrub (22 percent), mountain big sage (21 percent), low sagebrush (9 percent), wet meadow (3 percent), bunchgrass (2 percent), exotic annual (<1 percent), big sagebrush (<1 percent), and bitterbrush (<1 percent). No noxious weeds have been mapped in the McKay FFR allotment. Bulbous bluegrass is the only identified non-native invasive species, and it is reported to be common in the allotment and dominant under junipers.

No riparian habitat exists on public lands in McKay FFR allotment; however, Juniper Creek runs through pastures 1 and 2 on private lands. A majority of the allotment once provided habitat for sage-grouse and supported significant populations. Of all sage-grouse Preliminary General Habitat (PGH) within the the allotment, 246 acres are BLM and 661 are private. Fire has not been reported in the allotment since the 1960s. No federally listed threatened or endangered animals are known to occur in McKay FFR allotment.

Current Grazing Authorization

You currently graze livestock within the McKay FFR allotment pursuant to a grazing permit issued by the BLM. The terms and conditions of that grazing permit are as follows in Table 2:

Table 2: Mandatory and Other Terms and Conditions for the McKay FFR Allotment

Livestock		Grazing Period		% PL	Type Use	AUMs
Number	Kind	Begin	End			
20	Cattle	12/1	12/31	100	Active	20
<p>Terms and conditions:</p> <p>1. The number of livestock and season of use on the Fenced in Federal Range (FFR) allotment 0457 is at your discretion.</p> <p>United States District Court for the District of Idaho imposed terms and conditions:</p> <ul style="list-style-type: none"> • Key herbaceous riparian vegetation, where streambank stability is dependent upon it, will have a minimum stubble height of 4 inches on the streambank, along the greenline, after the growing season; • Key riparian browse vegetation will not be used more than 50 percent of the current annual twig growth that is within reach of the animals; • Key herbaceous riparian vegetation on riparian areas, other than the streambanks, will not be grazed more than 50 percent during the growing season, or 60 percent during the dormant season; and • Streambank damage attributable to grazing livestock will be less than 10 percent on a stream segment 						

Livestock Management

Under this permit, you are authorized 20 AUMs of permitted grazing between December 1 and December 31. Your permit includes a term and condition that the number of livestock and season of use within the allotment is at your discretion; the season of use is for 365 days of potential use. Because of limited actual use reporting, we cannot determine when the allotment is typically used.

Actual use is important when considering the renewal of a grazing permit because it was actual use and not authorized levels of use that resulted in current conditions on the allotments. In other words, the current condition of the allotments is not the result of what was authorized under the current permit; rather, it is the result of the removal of a varied number of AUMs and seasons of use over the past several years.

Resource Conditions

The BLM completed a rangeland health assessment, evaluation, and determination for the McKay FFR allotment in 2013. Those documents concluded that some of the resources on the allotment were not meeting the Idaho S&Gs. Specifically, the BLM determined the allotment did not meet Standards 1 (Watersheds), 4 (Native Plant Communities), and 8 (Threatened and Endangered Plants and Animals). Current livestock grazing management is not the causal factor in these Standards not being met; juniper encroachment and historic grazing management are the causal factors. Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), 5 (Seedings), 6 (Exotic Plant Communities, Other Than Seedings), and 7 (Water Quality) are not applicable on the McKay FFR allotment. Livestock management practices conform to the Guidelines for Livestock Grazing Management.

Vegetation - uplands⁴

The McKay FFR allotment does not meet Standard 4 (Native Plant Communities) because of an altered fire regime resulting in subsequent juniper invasion. Historic grazing management is another contributing factor as it may have promoted juniper encroachment indirectly if season-long grazing removed enough fine fuel each year to alter the fire regime.

The ecological site description shows that under natural disturbance regime, the McKay FFR allotment should be dominated by sagebrush/bunchgrass communities; western juniper should make up only a small percentage of the area. With the increase in juniper, there has been a decrease in deep-rooted perennial native grasses and an increase in invasive grasses. While noxious weeds have not been mapped in the McKay FFR allotment, bulbous bluegrass, an exotic species, was reported to be common in the allotment and dominant under junipers. Bluebunch wheatgrass and Sandberg bluegrass were reported to be the dominant grasses, and Idaho fescue was reported to be greatly reduced from what should be on the site.

Standards 5 (Seedings) and 6 (Exotic Plant Communities, Other Than Seedings) do not apply in the McKay FFR allotment.

⁴ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 3.3.3.1.1 and Appendix E.

Watersheds/Soils⁵

The McKay FFR allotment is not meeting Standard 1 (Watersheds) because juniper encroachment is indirectly affecting overland flow by shading out those plant assemblages that would otherwise provide for proper hydrologic function, nutrient cycling, and energy flow. Although evidence of accelerated erosion is not severe, juniper age class distribution and areas of high bare ground indicate a potential for downward trend in the future. Historic grazing pressure may have promoted juniper encroachment where utilization levels and seasons were unfavorable to persistence of herbaceous plant species. Despite its limited time span, recent grazing information suggests seasons of use avoid the critical growing period for many herbaceous plants in the allotment. This information provides the basis for determining that current grazing is not a significant factor in the allotment's failure to meet the watershed standard.

Soils on the public land in the allotment are dominated by the Snell-Sharesnout complex, a complex of loamy, claypan, and shallow stony sites. Rock and gravel constitute major soil stabilizers. The dominant ecological site associated with the Snell soils is the Loamy 13-16". The shallower Sharesnout soils are less common and support Shallow Claypan 12-16", Low sagebrush/Idaho fescue ecological sites on convex sideslopes. None of the soils on public land in the allotment have a high erosion hazard. Indicators of soil instability on loamy sites were more apparent on loamy soils, where water flow patterns, pedestals, and bare ground indicate a slight acceleration of erosion in localized areas.

Multiple age classes of juniper indicate a potential for downward trend in hydrologic function in the future. Juniper mortality is much less apparent than juniper recruitment, indicating an increasing population. The age-class distribution and location of juniper trees on this landscape suggest young trees establishing in the open sagebrush covered hillsides, possibly from the older and denser juniper stands along draws and ridges. Overall hydrologic function is diminished by the over-abundance of juniper trees and under-representation of large-statured bunchgrass species. Although evidence of accelerated erosion is only slightly to moderately greater than reference conditions, juniper age class distribution, and areas of high bare ground indicate a potential for downward trend in the future.

Overall, both the presence of juniper and past grazing practices have impacted the functionality of the watershed and has resulted in levels of erosion and degradation that should not occur on the site; Standard 1 is not being met for these reasons.

Water Resources and Riparian/Wetland Areas

Standards 2 (Riparian Areas and Wetlands), 3 (Stream Channel/Floodplain), and 7 (Water Quality) do not apply in the McKay FFR allotment because no streams or springs exist on public lands within the allotment.

⁵ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022, Section 3.3.3.1.2 and Appendix E.

Special Status Plants

No special status plants are known to occur on the allotment.

Wildlife/Wildlife Habitats and Special Status Animals⁶

The McKay FFR allotment is not meeting Standard 8 (Threatened and Endangered Plants and Animals), although current livestock grazing management practices are not significant factors for this allotment's failure to meet the land health standard. The evaluation and determination for special status animals (Standard 8) was based on evaluations for Standards 1 and 4, as their analyses directly reflect conditions of wildlife habitat on uplands in the allotment. The McKay FFR allotment was visited in 2013 to qualitatively evaluate BLM-administered lands on the allotment. The allotment contained heavy juniper along draws and ridges and lighter juniper on hillsides. Very few acres in the allotment serve as potential sage-grouse habitat.

Upland habitats were found to not be meeting Standards 1 or 4; however, it was determined that current livestock grazing management practices were not significant factors leading to the determination. The prevalence of juniper and an increase in bulbous bluegrass have degraded the habitat through time and reduced habitat quality for sagebrush-dependent species. Some special status species may benefit from juniper existence, such as bat species that can use the area for roosting sites. However, diminished understories of sagebrush, perennial forbs, and perennial bunch-grasses have a negative effect on other animal species.

Conversion of sagebrush habitats to juniper woodlands is the primary limiting factor on public lands in McKay FFR allotment. Although the increase in juniper cover may have benefited some woodland-associated special status wildlife species such as northern goshawks and Lewis' woodpeckers, these woodland habitats are unsuitable for and have come at the expense of sagebrush-obligate and shrub-dependent special status species such as sage-grouse, pygmy rabbits, Brewer's sparrows, loggerhead shrikes, and sage sparrows. Juniper woodlands currently make up 43 percent of the allotment (all ownerships), and if their densities continue to increase, sagebrush-obligate species will be further impacted.

No federally listed threatened or endangered animals are known to occur in the McKay FFR allotment. One candidate species, the Columbia spotted frog, could potentially occur in the allotment, as surveys have never been conducted in the allotment but potential habitat is located on private lands. A second candidate species, the sage-grouse, has no designated Preliminary Priority Habitat (PPH) in the allotment, but the majority of the allotment west of Juniper Creek is designated PGH. As many as 11 mammal, 20 bird, 2 amphibian, 2 fish and 3 reptile species with BLM special status (including Watch List Species) potentially occur within the allotment. No special status species have been recorded in the Idaho Fish and Wildlife Information System within the allotment; however, redband trout are known to occur on private land in Juniper Creek, and Western toads were discovered nearby on BLM land in 2013. In fact, white-faced ibis, white-headed woodpecker, ferruginous hawk, and sage thrasher are the only other special status species that have been documented within 3 miles of McKay FFR allotment.

⁶ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 3.3.3.1.4 and Appendix F.

No federally listed threatened or endangered plants or BLM special status plants are known to occur in the McKay FFR allotment.

Issues⁷

Through the scoping process, development of the rangeland health assessment/evaluation reports, and determinations, the BLM interdisciplinary team identified the following issues concerning livestock grazing management in one or more of the South Mountain Group allotments:

1. *Habitat conditions for greater sage-grouse*
2. *Fish and amphibian habitat conditions*
3. *Soil compaction*
4. *Riparian vegetation conditions*
5. *Climate change*
6. *Upland vegetation and watershed conditions*
7. *Special status plant species*
8. *Noxious and invasive weeds*
9. *Livestock trailing*
10. *Cultural resources*
11. *Paleontological resources*
12. *Wildfire fuels*
13. *Socioeconomic impacts*

Analysis of Alternative Actions

Based on the current condition of the McKay FFR Allotment and the issues identified above, the BLM considered a number of alternative livestock management schemes in the EA to ensure that any renewed grazing permit would result in the maintenance or some improved conditions on the allotment. Specifically, the BLM analyzed five alternatives in detail, identified a number of actions common to all alternatives, and considered but did not analyze in detail a number of other possible actions.⁸ The BLM considered the following alternatives in detail:

- Alternative 1 – Current Situation
- Alternative 2 – Permittee’s Application
- Alternative 3 –BLM Developed Alternative
- Alternative 4 – BLM Developed Alternative
- Alternative 5 – No Grazing

⁷ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 1.6.3

⁸ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 2.3

The draft EA number DOI-BLM-ID-B030-2013-0022-EA detailing the above alternatives was made available for public review and comment for a 15-day period ending November 4, 2013. In addition to timely comments received from you, a number of government entities and agencies, interest groups, and members of the public also provided comments.

Proposed Decision

After considering the current grazing practices, the current conditions of the natural resources, and the alternatives and analysis in the EA, comments received from you and other interested publics, as well as other information, it is my proposed decision to renew your grazing permit for ten years consistent with Alternative 2. Livestock grazing associated with the implementation of Alternative 2 over the next 10 years will not result in any change to the allotment’s performance under the Idaho Standards and Guides or the ORMP.

The terms and conditions of the renewed grazing permit will be as follows in Table 3:

Table 3: McKay FFR Allotment Terms and Conditions

Livestock		Grazing Period		% PL	Type Use	AUMs
Number	Kind	Begin	End			
20	Cattle	12/1	12/31	100	Active	20
Terms and conditions:						
<ol style="list-style-type: none"> 1. Grazing use will be in accordance with the grazing schedule identified in the final decision of the Owyhee Field Office Manager dated _____. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes to the scheduled use require approval. 2. Turn-out is subject to the Boise District range readiness criteria. 3. The permittee’s certified actual use report is due within 15 days of completing the authorized annual grazing use. 4. Salt and/or supplements shall not be placed within one-quarter (1/4)-mile of springs, streams, meadows, aspen (<i>Populus tremuloides</i>) stands, playas, special status plant populations, or water developments. 5. Trailing activities must be coordinated with the BLM prior to initiation. A trailing permit or similar authorization may be required prior to crossing public lands. 6. Pursuant to 43 CFR 10.4(B), the permittee must notify the BLM field manager, by telephone with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2) on federal lands. Pursuant to 43 CFR 10.4 (C), the permittee must immediately stop any ongoing activities connected with such discovery and make a reasonable effort to protect the discovered remains or objects. 7. Livestock exclosures located within the grazing allotment are closed to all domestic grazing use. 8. Range improvements must be maintained in accordance with the cooperative agreement and range improvement permit in which you are a signatory or assignee. All maintenance of range improvements within designated Wilderness requires prior consultation with the authorized officer. 						

Livestock	Grazing Period	% PL	Type Use	AUMs
<p>9. All appropriate documentation regarding base property leases, lands offered for exchange-of-use, and livestock control agreements must be approved prior to turn out. Leases of land and/or livestock must be notarized prior to submission and be in compliance with Boise District Policy.</p> <p>10. Failure to pay the grazing bill within 15 days of the due date specified shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Payment made later than 15 days after the due date shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR § 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR § 4150.1 and § 4160.1.</p> <p>11. Livestock grazing will be in accordance with your allotment grazing schedule(s). Changes in scheduled pasture use dates will require prior authorization.</p> <p>12. Utilization may not exceed 50 percent of the current year's growth.</p> <p>13. The number of livestock and season of use on the fenced in federal range (FFR) allotment 0457 on the FFR allotment is at the permittee's discretion.</p>				

Grazing Schedule

The grazing schedule for the McKay FFR allotment is flexible and allows for 365 days of use.

Notes on the Terms and Conditions

You will be offered a grazing permit(s) for a term of 10 years for McKay FFR allotment with 20 Active AUMs. Implementation of Alternative 2 will not result in a reduction of Active AUMs on the McKay FFR allotment compared to your current permit. Permitted use within the McKay FFR allotment will be as follows in Table 4:

Table 4: McKay FFR Allotment Permitted Use

Active Use	Suspended AUMs	Permitted Use
20 AUMs	0 AUMs	20 AUMs

Rationale

Record of Performance

Pursuant to 43 CFR § 4110.1(b)(1), a grazing permit may not be renewed if the permittee seeking renewal has an unsatisfactory record of performance with respect to their last grazing permit. Accordingly, I have reviewed your record as a grazing permit holder for the McKay FFR allotment, and have determined that you have a satisfactory record of performance and are a qualified applicant for the purposes of a permit renewal.

Justification for the Proposed Decision

Based on my review of EA number DOI-BLM-ID-B030-2013-0022-EA, the specialist reports, and other documents in the grazing files, it is my proposed decision to select Alternative 2 for the McKay FFR allotment. I have made this selection for a variety of reasons, but most importantly because of my understanding that implementation of this decision will best fulfill the BLM's obligation to manage the public lands under the Federal Land Policy and Management Act's multiple use and sustained yield mandate. Selection of Alternative 2 will not result in any change to the allotment's performance under the Idaho Standards and Guides or the ORMP.

Issues Addressed

Earlier in this decision I outlined the major issues that drove the analysis and decision-making process for the McKay FFR allotment. I want you to know that I considered the issues specific to this allotment through the lens of each alternative before making my decision. My selection of Alternative 2 for the McKay FFR allotment was in large part because of my understanding that this selection not only meets the needs of the permittee on an allotment where existing management is not causing the allotment to fail Standards, but it also satisfies the BLM's legal and land management responsibilities⁹.

1. *Habitat conditions for greater sage-grouse:* Historically, a majority of the allotment provided suitable habitat for sage-grouse and supported significant populations. Currently, sage-grouse PGH only occurs in portions of the McKay FFR allotment and, of that, only 27 percent exists on public lands. Extensive areas of juniper encroachment occur in pastures 1 and 2 of the allotment, which reduce the suitability of habitat for sage-grouse. The allotment is not meeting Standard 8 because of juniper encroachment on uplands and historic livestock management practices. While Alternative 2 is identical to current management, changes to livestock

⁹ Your allotments are, as you know, members of one group of six groups of allotments forming the Owyhee 68 Allotments, which are the subject of a permit renewal process to be completed by December 31, 2013. The NEPA process for the Owyhee 68 consists of 5-plus EAs and the EIS which supports this particular set of decisions. This multiple-allotment process has required me, as the Field Manager responsible for signing these grazing decisions, to look at these allotments and the other allotments analyzed in the EAs and the EIS, not just individually but as members of a group of allotments located in a particular landscape, the BLM Owyhee Field Office. That is, I am looking not just at your individual allotment; reviewing its rangeland health assessment, evaluation, and determination; and selecting an alternative that will best address this allotment's ecological conditions and BLM's legal responsibilities (for the purposes of this decision). I am also looking at this allotment from a landscape perspective. Viewed this way, it is clear that there are problems common to the Owyhee 68 allotments.

Of the approximately 60 allotments that have riparian areas, at least 47 are not meeting Standards for riparian/water issues due to current livestock management; of approximately 73 allotments total, 43 are not meeting the Standards for upland vegetation; in many cases, performance under Standard 8 tracks these results. In spite of the efforts of BLM and the ranching operators, resource conditions are not good. Some of these allotments have seen spring use year after year; some have had summer-long riparian use every year. As Field Manager for the Owyhees, I have a steward's responsibility to further the health and resilience of this landscape.

Adding to these considerations, we live in a time of uncertainty. Climate change presents an uncertainty whose impacts we cannot clearly discern, but as land stewards, we must factor into our decisions a consideration of how best to promote resiliency on the landscape. Add to this the uncertainty associated with the BLM's organizational capacity to manage this landscape; in a time of budget cutting, staff reductions, and reduced revenues, land management decisions must factor in considerations of the level of on-the-ground management we can reasonably expect to accomplish.

management will not move the allotment towards meeting Standard 8 because altered fire regimes are the primary reason the allotment is not meeting the standard.

The Standard 8 determination is largely driven by Standards 1 (Watersheds) and 4 (Native Plant Communities) in this allotment; because of juniper encroachment and historic livestock practices, these two standards are not met. Riparian/wetland late brood-rearing habitat does not occur on public lands within the allotment.

Additional and sometimes substantial improvement to upland plant communities can be made by instituting changes to grazing management in some circumstances; however, in this case, grazing management will not result in reduced juniper cover in the McKay FFR allotment and will not result in the allotment meeting Standard 8. While juniper treatment would be necessary to improve vegetative conditions, livestock management as outlined under Alternative 3 is compatible with achieving ORMP objectives.

2. *Fish and amphibian habitat conditions:* There is no riparian/wetland habitat on the McKay FFR allotment; therefore, Standards 2 (Riparian Areas and Wetlands) and 3 (Stream Channel/Floodplain) do not apply. Fish and amphibian habitat conditions will not be affected because they do not exist on the allotment.
3. *Soil compaction:* Grazing could occur at any time, so long as range readiness criteria (see Appendix I) are met. Direct physical effects to soil will occur to the extent that the operator uses the allotment when soils are near saturation, although adhering to the range readiness criteria will minimize impacts to soils during this timeframe. Adverse effects to soil structure will be avoided to the extent that the operator defers use until after spring (March 31). Rocks and gravels would continue to be major components of soil stability.

Although this management scheme will maintain current soil conditions, the allotment will continue to fail meeting the watershed Standard due to the effects of juniper encroachment on soil/site stability and hydrologic function. Juniper tree cover will continue to increase slowly, along with the potential for larger and more continuous patches of bare ground, decreasing infiltration, and increasing runoff.

Where compaction occurs, freeze-thaw cycles in the winter will loosen soils and lessen the degree of compaction that may have occurred. Rocks and gravels will continue to be major components of soil stability. Overall, both the presence of juniper and past grazing practices have impacted the functionality of the watershed and has resulted in levels of erosion and degradation that should not occur on the site; Standard 1 is not being met for these reasons. Although overall soil conditions will remain the same under this alternative, juniper will continue to encroach, increasing the risk of depressed watershed function and accelerated erosion. Ultimately, juniper encroachment, not soil compaction related to livestock grazing, will prevent the allotment from meeting Standard 1 and ORMP objectives. The proposed level of livestock grazing will have no effect on the rate of encroachment.

4. *Riparian vegetation conditions:* There is no riparian/wetland habitat on the McKay FFR allotment; therefore, Standards 2 (Riparian Areas and Wetlands) and 3 (Stream

Channel/Floodplain) do not apply.

5. *Climate change:* Climate change is another factor I considered in building my decision around Alternative 2 for the McKay FFR allotment. Climate change is a stressor that can reduce the long-term competitive advantage of native perennial plant species. Since livestock management practices can also stress sensitive perennial species in arid sagebrush steppe environments, I considered the issues together, albeit based on the limited information available on how they relate in actual range conditions. Although the factors that contribute to climate change are complex, long-term, and not fully understood, the opportunity to provide resistance and resilience within native perennial vegetation communities from livestock grazing induced impacts is within the scope of this decision. The selected alternative will not alter conditions in the allotment in any way that will either influence or be influenced by climate change. As mentioned earlier, the departure from preferred ecological site conditions is primarily due to juniper encroachment.
6. *Upland vegetation and watershed conditions:* The allotment is not meeting Standards 1 (Watersheds) and 4 (Native Plant Communities) because of juniper encroachment and historic livestock management practices. Livestock grazing seasons of use and livestock numbers authorized in the allotment with implementation of Alternative 2 will not contribute to either improvement or continued failure to meet these Standards because the proposed level of livestock grazing would have no effect on the rate of juniper encroachment.

Ultimately, juniper encroachment, not livestock grazing, prevents the allotment from meeting Standard 1 or Standard 4 and ORMP objectives over the long term.

7. *Special status plant species:* This issue does not apply to the McKay FFR allotment.
8. *Noxious and invasive weeds:* No noxious weed occurrences have been recorded in this allotment; although bulbous bluegrass, an invasive species, is present in the allotment, it does not dominate in any area. Any grazing has the potential to introduce and spread invasive weeds and non-native annual grasses through soil surface disturbance and transportation of seed to and from the allotment in fur, on hooves, and in their digestive system. The risk of invasive species spreading is the same as under Alternative 1, current condition. Although Alternatives 3-5 may reduce or eliminate the potential for livestock to introduce and spread invasive and non-native annual species as compared to Alternative 2, livestock remain only one of a number of vectors for seed dispersal and soil surface disturbance. BLM's coordinated and ongoing weed control program would still be required in the absence of livestock grazing in the allotment. Livestock grazing seasons of use and livestock numbers authorized in the allotment with implementation of Alternative 2 would not contribute to either improvement or continued failure to meet Standard 4 in areas where the Standard is not being met due to juniper encroachment into sagebrush steppe vegetation communities.

Management that provides for the necessary health and vigor of the vegetative community will be continued, and with implementation of Alternative 2 existing upland bunchgrasses in the McKay FFR will be maintained over the short term (less than 10 years). The effects from past grazing (reduction of large bunchgrasses) and the presence of invasive species (annual grasses and juniper) in some pastures, would still be part of the vegetation community and cause the

allotment to continue to not meet Standard 4.

9. *Livestock trailing*¹⁰: No new trailing routes were identified in the McKay FFR allotment, and no new trailing routes were proposed. Trailing or moving animals across Federal, State, or private land is a component of regular grazing management practices in the South Mountain Group 4 allotments. Livestock are primarily actively trailed on the existing roads, where no or limited forage is consumed, and the trailing occurs for short durations. For the majority of situations, trailing activities have not been documented, nor are they expected to substantially affect resources. Thus, they are not affecting the ability of these allotments to meet or make significant progress toward meeting the Standards.
10. *Cultural resources*: No previously recorded sites occur within the McKay FFR allotment.
11. *Paleontological resources*: No recorded fossil sites are within the South Mountain Group. The lack of fossil discoveries can be directly related to the absence of any fossil-bearing strata underlying the allotments.
12. *Wildfire fuels*: During the NEPA process, some asked the BLM to consider using grazing to limit wildfire. The BLM has considered the issue and determined that it would be theoretically possible to use targeted grazing to create fuel breaks on these allotments with the hope that those fuel breaks would help control the spread of large wildfires in the area. However, the resource costs associated with this strategy are such that I have decided against it. Ultimately, implementation of Alternative 2 for the McKay FFR allotment will not significantly alter the BLM's ability to fight wildfire in the area.

Although a number of sources identify the potential to use grazing to reduce fine fuels on a landscape scale, identified benefits are greatest with targeted grazing that strategically maintains fuel breaks to aid fire suppression actions. Landscape-scale fuels reduction with livestock grazing has its greatest application in grass-dominated vegetation types, specifically within seedings of grazing tolerant introduced grasses and annual grasses, conditions that do not exist on the allotment. In addition, the levels of livestock grazing and the season of yearly use necessary to reduce fine fuels prior to the fire season are not conducive to sustaining native perennial herbaceous species. This is one of the main reasons a targeted grazing system to control fire is not viable on these allotments at this time. The BLM's current permit renewal is focused on improving native upland and riparian plant communities on these allotments, and targeted grazing to create fuel breaks would not support that improvement.

The selected alternative retains a level of grazing use that reduces the accumulation of fine fuels, and thus will lessen the spread of large wildfires when fire weather conditions are less extreme. More importantly, it is designed to avoid undermining the health and vigor of native perennial species on the allotment, thereby limiting the dominance of annual species and so limiting the accumulation of continuous fine fuels and extreme fire behavior while enhancing

¹⁰ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 2.1.3.

post-fire recovery.¹¹

13. *Socioeconomic impacts:* During the NEPA and public comment process, some raised the concern that selection of certain alternatives considered in the EA could impact regional socioeconomic activity. I share this concern and have taken these concerns into consideration in making my decision; however, my primary obligation is to ensure that the new grazing permit protects resources in a manner consistent with the BLM's obligations under the Idaho S&Gs and the ORMP. As noted above, I have selected Alternative 2 for the McKay FFR allotment, in large part because the selection will accomplish those latter goals.

Because Alternative 2 is similar to how the allotment has been managed, abrupt economic impacts from its implementation will not occur.

Additional Rationale

Much thought and effort went into developing grazing management that is responsive to your allotment's specific resource needs, geography, and size. These considerations were made to address all concerns and requirements mandated to the BLM. Each allotment has different ecology and management capability due to the size and location/topography that result in various issues and priorities. All attempts to coordinate grazing throughout the entire allotment were made by me and my staff with you and the interested public. I recognize the difficulty of not only providing the mandated needs for the resources but also for the needs and capabilities that you, the permittee, have. I believe I have balanced those needs of the resource and your capabilities with the information I have to the extent possible.

I did consider selecting Alternatives 1, 3, 4, and 5 for this allotment. However, based on all the information used in developing my decision, I believe that the BLM can meet resource objectives and still allow grazing on the allotments as you proposed. In selecting Alternative 2 for the McKay FFR allotment rather than Alternatives 1, 3, 4, or 5, I especially considered (1) BLM's ability to meet resource objectives using the selected alternatives, (2) the impact of implementation of Alternative 5 on you, and (3) your past performance under previous permits. The suspension of grazing for a 10-year period is not the management decision most appropriate at this time in light of these factors.

Finding of No Significant Impact (FONSI)

A FONSI was signed on November 18, 2013, concluding that the proposed decision to implement Alternative 2 is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. That finding was based on the context and intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not

¹¹ For more detailed discussion, please refer to EA number DOI-BLM-ID-B030-2013-0022-EA, Section 2.3 Wildfire Fuels (Alternative 8).

required. A copy of the FONSI for EA number DOI-BLM-ID-B030-2013-0022-EA is available on the web at:

http://www.blm.gov/id/st/en/prog/nepa_register/owyhee_grazing_group/grazing_permit_renewal2.html

Conclusion

In conclusion, it is my decision to select Alternative 2 for the McKay FFR allotment over other alternatives because selection of Alternative 2 will not result in any change to the allotment's performance under the Idaho Standards and Guides or the ORMP. Because issues related to current livestock management do not exist, I believe it appropriate to give primary consideration to Alternative 2 (your application). Because Alternatives 3-5 would not result in the allotment meeting the applicable standards, I believe they should not be given priority over your application.

Authority

The authorities under which this decision is being issued include the Taylor Grazing Act of 1934, as amended, and the Federal Land Policy and Management Act of 1976, as promulgated through Title 43 of the Code of Federal Regulations (CFR) Subpart 4100 Grazing Administration - Exclusive of Alaska(2005). My decision is issued under the following specific regulations:

- 4100.0-8 Land use plans. The ORMP designates the McKay FFR allotment available for livestock grazing;
- 4130.2 Grazing permits or leases. Grazing permits may be issued to qualified applicants on lands designated as available for livestock grazing. Grazing permits shall be issued for a term of 10 years unless the authorized officer determines that a lesser term is in the best interest of sound management;
- 4130.3 Terms and conditions. Grazing permits must specify the term and conditions that are needed to achieve desired resource conditions, including both mandatory and other terms and conditions; and
- 4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. This proposed decision will result in taking appropriate action to modifying existing grazing management in order to make significant progress toward achieving rangeland health.

Right of Protest and/or Appeal

Any applicant, permittee, lessee, or other interested publics may protest the proposed decision under 43 CFR §§ 4160.1 and 4160.2, in person or in writing within 15 days after receipt of such decision to:

Loretta V. Chandler
Owyhee Field Office Manager
20 First Avenue West
Marsing, Idaho 83639

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR § 4160.3(a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR § 4160.3(b), upon a timely filing of a protest, after a review of protest received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR §§ 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR § 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other persons named in the copies sent to section of this decision in accordance with 43 CFR § 4.421 and on the Office of the Field Solicitor located at the address below in accordance with 43 CFR §§ 4.470(a) and 4.471(b).

Boise Field Solicitor's Office
University Plaza
960 Broadway Ave., Suite 400
Boise, Idaho 83706

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR § 4.470.

Should you wish to file a petition for a stay, see 43 CFR § 4.471 (a) and (b). In accordance with 43 CFR § 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR § 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR § 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at 208-896-5913.

Sincerely,



Loretta V. Chandler
Owyhee Field Manager

Copies sent to:

- See attached Group 4 Mailing List

Group 4 - Proposed Decisions Mailing List

Organization	Name		Address	City	ST	Zip	#
Friends of Mustangs	Robert	Amidon	8699 Gantz Ave.	Boise	ID	83709	1
Soil Conservation District	Cindy	Bachman	PO Box 186	Bruneau	ID	83604	2
	Bill	Baker	2432 N. Washington	Emmett	ID	83617-9126	3
	Conrad	Bateman	740 Yakima St.	Vale	OR	97918	4
Idaho Dept. of Agriculture	John	Biar	PO Box 790	Boise	ID	83707	5
Boise District Grazing Board	Stan	Boyd	PO Box 2596	Boise	ID	83701	6
	Craig & Rhonda	Brasher	4401 Edison	Marsin	ID	86369	7
	Gene	Bray	5654 W El Gato Ln.	Meridian	ID	83642	8
Colyer Cattle Co.	Ray & Bonnie	Colyer	31001 Colyer Rd.	Bruneau	ID	83604	9
	Senator: Mike	Crapo	251 East Front Street STE 205	Boise	ID	83702	10
Owyhee County Natural Resources Committee	Jim	Desmond	PO Box 38	Murphy	ID	83650	11
	Frankie	Dougal	36693 Juniper Mtn. Rd	Jordan Valley	OR	97910	12
Land & Water Fund	William	Eddie	PO Box 1612	Boise	ID	83701	13
	Thenon & Jana	Elordi	59010 Van Buren	Thermal	CA	92274	14
Western Watershed Projects	Katie	Fite	PO Box 2863	Boise	ID	83701	15
Gusman Ranch Grazing Association LLC	Forest	Fretwell	27058 Pleasant Valley Rd.	Jordan Valley	OR	97910	16
	Chad	Gibson	16770 Agate Ln.	Wilder	ID	83676	17
Resource Advisory Council	Chair: Gene	Gray	2393 Watts Lane	Payette	ID	83661	18

Organization	Name		Address	City	ST	Zip	#
	Russ	Heughins	10370 W Landmark Ct.	Boise	ID	83704	19
Jaca Livestock	Elias	Jaca	817 Blaine Ave.	Nampa	ID	83651	20
Idaho Wild Sheep Foundation	President: Jim	Jeffress	PO BOX 8224	Boise	ID	82707	21
	Dan	Jordan	30911 Hwy. 78	Oreana	ID	83650	22
	Floyd	Kelly Breach	9674 Hardtrigger Rd.	Given Springs	ID	83641	23
	Kenny	Kershner	PO Box 300	Jordan Valley	OR	97910	24
	Vernon	Kershner	PO Box 38	Jordan Valley	OR	97910	25
	Lloyd	Knight	PO Box 47	Hammett	ID	83627	26
	Congressman: Raul	Labrador	33 E. Broadway Ave STE 251	Meridian	ID	83642	27
Corral Creek Crazing Assoc.	Tim	Lequerica	P.O. Box 135	Arock	OR	97902	28
The Fund for the Animals, Inc.	Andrea	Lococo	1363 Overbacker	Louisville	KY	40208	29
LU Ranching	Bill	Lowry	PO Box 132	Jordan Valley	OR	97910	30
LU Ranching	Tim	Lowry	PO Box 132	Jordan Valley	OR	97910	31
Idaho Wild Sheep Foundation	Herb	Meyr	570 E 16th N.	Mountain Home	ID	83647	32
R&S Enterprise	Ray	Mitchell	265 Millard Rd.	Shoshone	ID	83352	33
	Sandra	Mitchell	PO Box 70001	Boise	ID	83707	34
	Ed	Moser	22901 N. Lansing Ln.	Middleton	ID	83644	35
	Brett	Nelson	9127 W. Preece St.	Boise	ID	83704	36
	Ramona	Pascoe	PO Box 126	Jordan Valley	OR	97910	37
	Anthony & Brenda	Richards	8935 Whiskey Mtn. Rd.	Murphy	ID	83650	38
-	John	Richards	8933 State Hwy. 78	Marsing	ID	83639	39
	Senator: James E.	Risch	350 N 9th Street STE 302	Boise	ID	83702	40

Organization	Name		Address	City	ST	Zip	#
Idaho Conservation League	John	Robison	PO Box 844	Boise	ID	83701	41
	John	Romero	17000 2X Ranch Rd.	Murphy	ID	83650	42
	Bob	Salter	6109 N. River Glenn	Garden City	ID	83714	43
Intermountain Range Consultants	Bob	Schweigert	5700 Dimick Ln.	Winnemucca	NV	89445	44
	Congressman: Mike	Simpson	802 West Bannock STE 600	Boise	ID	83702	45
Shoshone-Bannock Tribes	Tribal Chair: Nathan	Small	PO Box 306	Ft. Hall	ID	83203	46
Juniper Mtn. Grazing Association	Michael	Stanford	3581 Cliffs Rd.	Jordan Valley	OR	97910	47
	Doug	Terry	P.O. Box 11	Jordan Valley	OR	97910	48
	John	Townsend	8306 Road 3.2 NE	Moses Lake	WA	98837	49
Moore Smith Buxton & Turcke	Paul	Turcke	950 W. Bannock, Ste. 520	Boise	ID	83702	50
Natural Resources Defence Council	Johanna	Wald	111 Sutter St., 20 th Floor	San Francisco	CA	94104	51
Office of Species Conservation	Cally	Younger	304 N. 8 th STE 149	Boise	ID	83702	52
Owyhee County Commissioners			PO Box 128	Murphy	ID	83650	53
Holland & Hart LLP			PO Box 2527	Boise	ID	83701	54
Idaho Cattle Association			PO Box 15397	Boise	ID	83715	55
IDEQ			1410 N. Hilton	Boise	ID	83701	56
Idaho Dept. of Lands			PO Box 83720	Boise	ID	83720	57
Idaho Farm Bureau Fed.			PO Box 167	Boise	ID	83701	58
International Society for the Protection of Horses & Burros	Karen	Sussman	PO Box 55	Lantry	SD	57636	59

Organization	Name	Address	City	ST	Zip	#
Larrusea Cattle Co		P.O. Box 124	Arock	OR	97902	60
Oregon Division State Lands		1645 NE Forbes Rd., Ste. 112	Bend	OR	97701	61
Owyhee Cattlemen's Association		PO Box 400	Marsing	ID	83639	62
Schroeder & Lezamiz Law Offices		PO Box 267	Boise	ID	83701	63
Sierra Club		PO Box 552	Boise	ID	83701	64
State Historic Preservation Office		210 Main St.	Boise	ID	83702	65
State of Nevada Div. of Wildlife		60 Youth Center Rd.	Elko	NV	89801	66
The Nature Conservancy		950 W. Bannock, Ste. 210	Boise	ID	83702	67
The Wilderness Society		950 W. Bannock St., Ste. 605	Boise	ID	83702- 5999	68
U.S.F.W.S. Idaho State Office		1387 S. Vinnell Way, Ste. 368	Boise	ID	83709	69
USDA Farm Services		9173 W. Barnes	Boise	ID	83704	70
Western Watershed Projects		PO Box 1770	Hailey	ID	83333	71